

APPENDIX A

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING

IN THE MATTER OF THE AMENDED)
APPLICATION, OF WWC HOLDING CO., INC.,)
(WESTERN WIRELESS) FOR AUTHORITY)
TO BE DESIGNATED AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER)

DOCKET NO. 70042-TA-98-1
(RECORD NO. 4432)

ORDER GRANTING MOTION TO DISMISS
AMENDED APPLICATION
(Issued August 13, 1999)

This matter is before the Commission upon the amended application of WWC Holding Co., Inc., (hereinafter referred to as Western Wireless) for authority to be designated as an eligible telecommunications carrier, and the Motion to Dismiss Application filed on June 30, 1999, (the Motion) by Intervenor Range Telephone Cooperative, Inc., RT Communications, Inc., Dubois Telephone Exchange, Inc., Chugwater Telephone Company, and Union Telephone Company (hereinafter collectively referred to as Independent Companies).

The Commission having reviewed the amended application of Western Wireless, the Motion to Dismiss Application filed by the Independent Companies, oral argument on the Motion by legal counsel for Western Wireless, Independent Companies, and Intervenor U S WEST Communications, Inc., as presented at the public hearing scheduled in this matter on July, 1, 1999, applicable federal and Wyoming telecommunications law, and otherwise being fully advised in the premises, FINDS and CONCLUDES:

1. Western Wireless filed its initial application on September 1, 1998, seeking a Commission Order designating Western Wireless an Eligible Telecommunications Carrier (ETC) pursuant to Section 214(e)(2) of the federal Communications Act of 1934, as amended (47 U.S.C. Section 214(e)(2) (the federal Act)). Western Wireless subsequently filed an amended application on January 5, 1999, which clarified its request for federal ETC designation.

2. Motions to intervene by Range Telephone Cooperative, Inc., RT Communications, Inc., Dubois Telephone Exchange, Inc., Chugwater Telephone Company, and Union Telephone Company ("Independent Companies") and U S WEST Communications, Inc., ("U S WEST") were granted by this Commission.

3. Following legal published notice by the Commission, and the resolution of certain discovery disputes, this matter came on for hearing before the Commission on July 1, 1999.

5. On June 30, 1999, the Independent Companies filed their respective Motion to Dismiss the subject ETC application of Western Wireless asserting that the Commission lacked subject matter jurisdiction to act on the matter. Intervenor U S WEST filed its "Statement of U S WEST Communications, Inc., to Accompany Testimony of Witness Barbara Wilcox, Ph.D." on June 21, 1999, alleging, *inter alia*, that the Commission lacked jurisdiction regarding this matter. The Motion was fully argued by the parties at the July 1, 1999 public hearing.

6. The Independent Companies argue that the Wyoming Telecommunications Act of 1995 ("Wyoming Act") is the sole source of this Commission's telecommunications jurisdiction; that it does not grant this Commission jurisdiction over Western Wireless's amended application and that the proper forum for the amended application is therefore the FCC under the provisions of 47 U.S.C. § 214(e)(6). U S WEST expressed a similar view in its Legal Statement to Accompany Testimony of Witness Barbara Wilcox, Ph.D., and in its oral argument at public hearing.

7. At the public hearing, Western Wireless opposed the motion, expressing two counter arguments: First, the Wyoming Act does grant the Commission jurisdiction in this matter; and second, that § 214(e)(2) of the Federal Act is sufficient to confer jurisdiction even in the absence of a grant of jurisdiction by the Wyoming Legislature.

8. Having considered all of the arguments and authority advanced by the parties, the Commission finds and concludes that this Commission lacks jurisdiction regarding the subject matter of the amended application of Western Wireless, and that the Motion filed by the Independent Companies be granted and that this matter should be dismissed for lack of jurisdiction, for the reasons set forth below.

9. The Supreme Court of Wyoming has ruled that the Wyoming Telecommunications Act of 1995 (the Wyoming Act) is the sole source of Commission jurisdiction over telecommunications matters. Although Western Wireless argues for a different interpretation, the language of the statute is controlling. A statute will be construed as a whole, with ordinary and obvious meaning applied to words as they are arranged in paragraphs, sentences, clauses and phrases to express the intent of the Legislature. *Wyoming Ins. v. Woods*, 888 P.2d 192, 197 (Wyo. 1994). If the language of the statute is clear and unambiguous, we apply its plain meaning, and need not resort to the rules of statutory construction. *Davidson, P.C. v. Naranjo*, 904 P.2d 354, 356 (Wyo. 1995); *Halpern v. Wheeldon*, 890 P.2d 562, 565 (Wyo. 1995); *Houghton v. Franscell*, 870 P.2d 1050, 1054 (Wyo. 1994).

10. When reviewing the powers of an agency, the Supreme Court has stated that the language of a statute will be strictly construed. *Tri County Telephone Association, Inc., v. Wyoming Public Service Comm'n.*, 910 P.2d 1359, 1361 (Wyo. 1996); *Montana-Dakota Utilities Co. v. Public Service Comm'n. of Wyoming*, 847 P.2d 978, 983 (Wyo. 1983).

11. As a creature of the Legislature, an administrative agency has limited powers, and can do no more than it is statutorily authorized to do. . . . Any agency decision that falls outside the confines of the statutory guidelines articulated by the Legislature is contrary to law and cannot stand. . . . Such decisions are arbitrary and capricious. *Tri County Telephone Association, Inc.*, 910 P.2d at 1361. If there is a reasonable doubt as to the existence of a particular power, the statute will be construed as not granting that power. *U S WEST v. Wyoming Public Service Comm'n.*, 958 P.2d 371, 374 (Wyo. 1998).

12. The Wyoming Act's jurisdictional grant of authority to this Commission regarding wireless ("CMRS") providers, is extremely limited. It states:

§ 37-15-104. Services not regulated by this title.

Except for contributions to the universal service fund required pursuant to W.C. 37-15-501 and the assessment levied pursuant to W.C. 37-2-106 through 37-2-109, telecommunications service does not include, and the provisions of this title do not apply to:

* * *

(vi) Except for the quality of cellular service to the extent not preempted by federal law, telecommunications services using radio spectrum or cellular technology. . . .

Thus, this Commission's jurisdiction over CMRS providers is expressly limited to quality of service and then only to the extent not preempted by federal law. Such jurisdiction obviously does not encompass the consideration of a petition for federal ETC status.

13. Western Wireless argues that, even if the Wyoming Act confers no jurisdiction, the Federal Act commands such jurisdiction. This is erroneous as a matter of law. First, it is contrary to the Wyoming Supreme Court precedent discussed above. Moreover, the Federal Act does not even attempt to command this Commission to take jurisdiction. Rather, it specifically provides that, if this Commission lacks jurisdiction, then the FCC has jurisdiction:

(6) Common carriers not subject to state commission jurisdiction.

In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible

telecommunications carrier for a service area designated by the Commission consistent with applicable Federal and State law.

47 U.S.C. § 214(e)(6).

14. The FCC has expressly acknowledged that CMRS providers may well be among the carriers over which a state commission lacks jurisdiction:

We note that not all carriers are subject to the jurisdiction of a state commission. Nothing in section 214(e)(1), however, requires that a carrier be subject to the jurisdiction of a state commission in order to be designated an eligible telecommunications carrier. Thus tribal telephone companies, CMRS providers, and other carriers not subject to the full panoply of state regulation may still be designated as eligible telecommunications carriers.

In the Matter of Federal-State Joint Board on Universal Service, CC Docket No. 960-45 (FCC rel. 5/8/97) (First Report and Order) ¶147.

15. In addition, although Western Wireless argues that certain authority allows such a federal grant of authority, the cases cited by Western Wireless are distinguishable. Western Wireless relies on *FERC v. Mississippi*, 456 U.S. 742 (1981) and *Testa v. Katt*, 330 U.S. 386 (1947). These two cases were discussed in *Printz v. United States*, 521 U.S. 898 (1997). In *Printz*, the United States Supreme Court made clear that *FERC* and *Testa* involved federal law requiring state adjudicatory authorities to apply federal substantive standards to the types of disputes over which the state authorities already had jurisdiction pursuant to state law. *Printz* at 928-29. In essence, those cases stand for the proposition that state authorities cannot refuse to hear a type of matter arising under federal law if they would accept jurisdiction of the same type of matter arising under state law. Such is not the case here. The fundamental difference distinguishing these cases is the existence of underlying authority.

16. It is this Commission's conclusion that Wyoming law does not provide this Commission with statutory authority to consider this amended application of Western Wireless for designation as an eligible telecommunications carrier under Section 214(e)(c) of the federal Act. Our ruling, however, does not leave Western Wireless without a forum. Section 214(e)(6) of the federal Act expressly provides for FCC jurisdiction in the absence of state commission jurisdiction.

IT IS THEREFORE ORDERED THAT:

1. Pursuant to the Commission's public deliberation held on July 1, 1999, the Motion of Intervenor Range Telephone Cooperative, Inc., RT Communications, Inc.,

APPENDIX B

WELCOME GUIDE



Wireless Residential Services by
CELLULARONE



■ WELCOME TO CELLULAR ONE WIRELESS RESIDENTIAL SERVICE

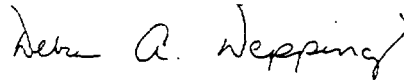
Thank you for choosing Wireless Residential Services by Cellular One to help you stay connected. We are committed to providing you with the best products, services and features anywhere, and will always work hard to make sure we do.

By choosing Wireless Residential Services by Cellular One, you have joined with a nationally trusted name in the telecommunications field. You can make and receive calls with the finest service in the nation, and our large home calling areas make your service a great value.

Our Customer Care department is available 24 hours a day. Call us at 1-877-684-8562 from any phone. We will answer your questions quickly and simply, and it is always a free call.

Please let us know if you have any questions about your service. We're here to help you, and we're never more than a phone call away.

Sincerely,



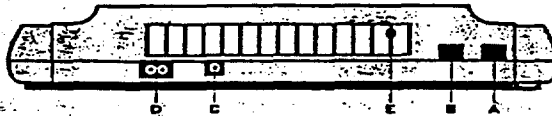
Debra Depping
Executive Director of Customer Services

■ USING YOUR WIRELESS RESIDENTIAL SERVICE

To begin using your Wireless Residential Service (WRS), please take a few minutes to read through the simple How-To steps.

Operation: Once the Phonecell SX is installed and tested, it is ready for normal operation.

Bottom Panel-Phonecell SX Unit



A	Handheld programmer jack (RADIO jack)
B	Telephone line jack (PHONE jack)
C	Optional DC power source (barrel plug connector)
D	AC line cord Connector (IEC-320 Class II)
E	LED (light)

Caution: The PHONE plug and RADIO plug are keyed to help prevent improper connection. Do not force either plug into either jack; the plug should fit its respective jack and snap in place easily. Apply AC power to the Phonecell SX. Wait approximately 10 seconds for the unit to initialize. The light should be a steady green. If the light is not a steady green, please refer to the LED Light Table in the Trouble Shooting section.

Placing a call: When the telephone is taken off-hook a dial tone is heard and a number can be dialed normally. If service is not available, a "No Service" tone is heard. There is no charge for busy or unanswered calls.

Receiving a call: An incoming call to the Phonecell SX rings your telephone. Pick up the handset and begin talking.

Ending a call: To end a call, hang up your phone.



■ FEATURES

We offer a wide variety of optional features to let you better manage your calls.

Voice Mail: Works like a "built-in" answering machine to automatically answer incoming calls that you do not answer. See the Voice Mail quick reference card for detailed user instructions.

Call Forwarding: Seamlessly forwards incoming calls to a number that you designate. There are two ways to forward a call. (Forwarded calls may incur a long distance charge.)

Immediate Call Forwarding:

■ To activate, press *71; enter 1 + area code + phone number; wait for confirmation tone

■ To cancel, press *710



No Answer Call Forwarding:

■ To activate, press *72; enter 1 + area code + phone number; wait for confirmation tone





■ To cancel, press *720



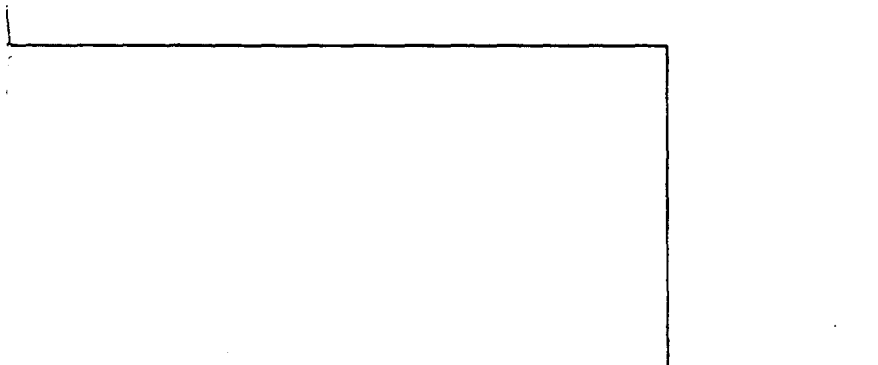
Call Waiting: Lets you know another call is coming in, so you can put an existing call on hold while answering the second one. Follow the steps below to activate this feature:

-  When you hear the tone, press the flash/hook button to answer the call
-  Press the flash/hook button to return to the original call in progress

Three-Way Conference Calling: Allows you to have a conversation with two different parties at the same time. Follow these steps to create a Conference Call:

-  Enter first number and wait for answer
-  Press the flash/hook button
-  Enter second number and when answered, press the flash/hook button to connect all three parties
-  Hang up the phone to disconnect the callers

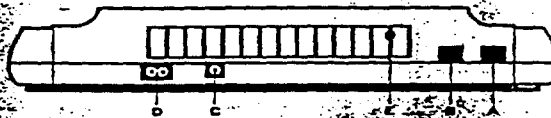
International Dialing: This features allows international calling on the WRS system. To add any of these helpful calling features, contact your local Cellular One representative or call Customer Care.



■ TROUBLE SHOOTING

If the telephone service is not working, first check the operation of your telephone equipment and the connection to the Phonecell SX unit.

Bottom Panel-Phonecell SX Unit



A	Handheld programmer jack (RADIO jack)
B	Telephone line jack (PHONE jack)
C	Optional DC power source (barrel plug connector)
D	AC line cord Connector (IEC-320 Class II)
E	LED (light)

Power Supply: The LED on the Phonecell SX will designate the power condition. If the light is not a steady green refer to the table and information following this section for the diagnosis of the potential problem. If the power cord is connected and the LED is not lit, the unit is not receiving power. If the unit utilizes the optional battery backup feature, or external power supply with the Battery Backup unit, the batteries may be discharged to a level below the operating condition or the AC power has not been applied previously.

Notice: The AC power must be applied to the unit for at least 24 hours to fully charge the batteries before the batteries will backup the system. Check that the AC power source and its corresponding circuit breaker are functioning properly.

Warning: Only Authorized Service Personnel should remove the cover of the Phonecell SX for additional service.

COLOR	MODE	OPERATION	TRY THIS
Red	Flashing	Malfunction	<ul style="list-style-type: none"> • Hardware fault detected. Disconnect the power cord for a minute or two and then plug back in. • If the LED is still flashing red, please contact Customer Care at 1-877-684-8562.
Red	Continuous	No Service	<ul style="list-style-type: none"> • If you have moved the unit from where it was initially installed, check to see if the antenna is firmly connected. • Move the Phonecell SX unit to an area with better reception until the light turns green. • If the LED is still continuously red, please contact Customer Care at 1-877-684-8562.
Yellow	Continuous	Moderate	<p>(The unit should still operate signal in this mode, but for optimal strength performance the light should be green.)</p> <ul style="list-style-type: none"> • If you have moved the unit from where it was initially installed, check to see if the antenna is firmly connected. • Move the Phonecell SX unit to an area with better reception until the light turns green. • If the LED is still continuously yellow, please contact Customer Care at 1-877-684-8562.
Red/ Green	Oscillating	Diagnostic/ Programming mode	<ul style="list-style-type: none"> • Disconnect the power cord for a minute or two and then plug back in. • If the LED is still in this mode, please contact Customer Care at 1-877-684-8562.
Green	Continuous	Best signal strength	<ul style="list-style-type: none"> • If the LED light is green and you are unable to make/receive calls, please contact Customer Care at 1-877-684-8562. The Customer Care representative may ask the following questions: <p>What happens after you dial?</p> <p>What message do you receive?</p> <p>Is it a land line or cellular message?</p> <p>Can you complete any calls?</p>

■ SAFETY INFORMATION

Please read the information in your Phonecell SX User Manual before using your Phonecell SX. To ensure safe and efficient operation of your Phonecell SX, read the following information carefully.

This product functions as a radio transmitter and receiver. When it is ON, it receives and also sends out radio frequency (RF) energy. When you use your Phonecell SX, the cellular system handling your call controls the power level at which your unit transmits. The power level can range from 0.006 of a watt to 3 watts.

Safety Operation Requirement: Do not operate your Phonecell SX when any person is within 16 inches (40 centimeters) of the antenna. For the best call quality, keep the antenna free from obstructions and point it straight up.

WARNING: Your Phonecell SX must be placed or mounted on a flat, level surface to allow proper ventilation. Do not block the air vents or the space beneath your Phonecell SX as this could cause the unit to overheat and fail.

Antenna Care and Replacement: Do not use the unit with a damaged antenna. If your antenna is damaged, have it replaced by a qualified technician immediately. Use only a manufacturer-approved antenna. Unauthorized antennas, modifications, or attachments could damage the unit.

Battery: All batteries can cause property damage, injury, or burns if a conductive material such as jewelry, keys, or beaded chains touch exposed terminals. The material may complete an electrical circuit (short circuit) and become quite HOT. The Phonecell SX may come equipped with two batteries that serve as a backup power supply if the AC or DC power level drops below an operable level. Both batteries must be installed. Trying to operate the unit with only one battery may cause severe damage to it. The battery backup feature provides for 1 hour of talk time and 8 hours of standby. To install these batteries, please refer to the Battery Installation section of your Phonecell SX User Manual and follow the instructions for your specific unit.

If the batteries inside your unit need to be replaced for any reason, carefully remove the batteries. Dispose of damaged or used batteries in accordance with local laws.

Electronic Devices: Most modern electronic equipment is shielded from RF energy. However, RF energy from the Phonecell SX may affect inadequately shielded electronic equipment. Consult the user manuals of your other electronic appliances to determine their level of shielding.

Do not use your Phonecell SX unit in health care facilities. Hospitals or health care facilities may be using equipment that could be sensitive to external RF energy.

Children: Do not allow children to play with your Phonecell SX. It is not a toy. Children could hurt themselves (by poking themselves in the eye with the antenna for example). Children could also damage the unit, or unintentionally make calls that increase your telephone bills.

Potentially Explosive Atmospheres: Do not use your Phonecell SX unit when in any area with a potentially explosive atmosphere. Do not store flammable gas, liquid or explosives in the area of your Phonecell SX or accessories.

For more detailed Safety Information, please consult your Phonecell SX User Manual.





Customer Care
1-877-684-8562



Wireless Residential Services by
CELLULARONE

Cellular One is a registered service mark of The Cellular One Group
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WW620 3/99

EXAMPLE: REGENT, NORTH DAKOTA RATE CARD

■ WIRELESS RESIDENTIAL SERVICES RATE CARD

Monthly Access Fee	\$14.99 (unlimited local service)
Local Calling Area	Mott, New England, Elgin, Burt, New Leipzig, & Dickinson Local prefixes include the following: (605) - - 278, 375, 576 (701) - - 225, 227, 260, 264, 275, 290, 330, 483, 523, 563, 567, 579, 584, 677, 824, 853, 879, 974
Long Distance Rates	10¢ a minute (domestic)
International Calling	Available upon request. Please contact Customer Care at 1-877-684-8562 for more information.
Features:	
Voice Mail	\$4.95 a month
Call Waiting	\$2.00 a month
Call Forwarding	\$2.00 a month
Three-Way Conference Calling	\$2.00 a month

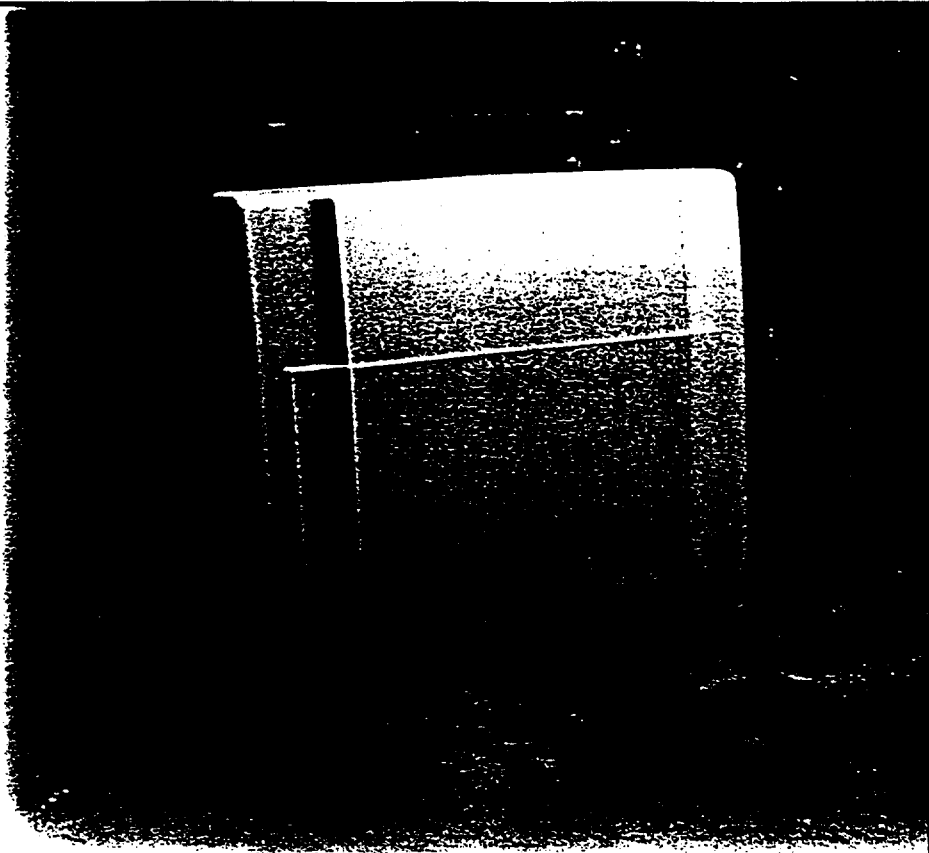


Wireless Residential Services by

CELLULARONE

Cellular One is a registered service mark of The Cellular One Group.
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W/W621 3/99

Phonecell SX For AMPS



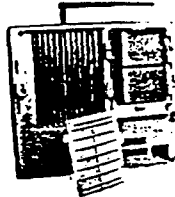
Everything you need in a sleek, package. The Phonecell SX for AMPS fixed-wireless terminal provides access to home, office or any remote location where phone service is needed and cellular networks are available. All of your communication requirements, such as voice, fax and data, can be easily supported. The Phonecell SX for AMPS is the ideal communication solution whenever landlines are unavailable, impractical or too expensive.

Benefits

- 3 watts of power
- Immediate Primary Telephone Access
- Instant Availability of Extra Lines for Extended Communications Capabilities
- Sleek, Small Modular Design
- Excellent Voice Quality in a Wireless System
- Voice, FAX, Data and Modem Capabilities
- External battery access

Phonecell SX

For AMPS



External Battery Access

Features

Power Supply Options

- Universal AC Power Supply provides independent switching.
- Back-Up Battery Internal Charger provides uninterrupted talk time and standby operations should there be an AC power failure.
- Battery Only allows start-up directly from the stand-by battery.

External Battery Access

Add or change batteries through slide-off cover on bottom of terminal.

Facilitate Special Cellular Services

1/2 second hookflash initiates SEND command to the cellular transceiver.

Incoming Call Announcement

Signals incoming calls while dialing a number out. Simple hookflash connects the incoming call.

User-Adjustable Volume Tone

Allows adjustable volume levels on both transmit and receive thru pots phone.

No-Service Tone

Produces a special high-pitched tone to indicate "No Service."

Automatic Audio Level Setting

Adjusts audio level settings automatically on fax or modem calls.

Roam Dial Tone

Produces a special dial tone when transceiver is in the Roam mode; can be turned on and off.

Technical Specifications

Transceiver:

AMPS

Frequency Ranges

- Transmit 824 - 849 MHz
- Receive 869 - 894 MHz

Dimensions:

- Metric (cm) 7 x 33 x 30
- U.S. (inches) 2.76 x 12.9 x 11.8

Weight

2.1 kg. (4.6 lb.) (excludes batteries)

Environment:

- Operating Temperature Range: -10°C to +51°C
- Storage Temperature Range: -25°C to +65°C
- Humidity: 5% to 95% (excludes batteries)

AC Input Range:

- Voltage: 90 to 260 VAC
- Frequency: 47 to 440 Hz.
- Power: 14.4 VDC

Back-Up Battery:

- Optional in External Power Supply Accessory
- Uses Two 6-volt 4AH Batteries (Up to 1 hour of talk time; or up to 8 hours of standby)
- In-line support, Uninterruptive Power, Automatic Trickle Charge, nAutomatic Low Voltage Disconnect to Avoid Battery Damage

Power Dissipation:

- AC Power Input: 35 W
- DC Power Input: 25 W
- (Maximum input power of the terminal with battery discharged and full RF power.)

Intelligent RJ-11C Interface:

- Loop-Start Compatible
- Ringer Equivalence Number (REN) 5.0A
- -48 VDC (On-Hook)
- 35 mA (Short Circuit)
- 2000 Ohms Maximum Loop Resistance
- Surge Protection to FCC Part 68 Specifications
- DTMF and Pulse Dialing
- Precision Dial Tone

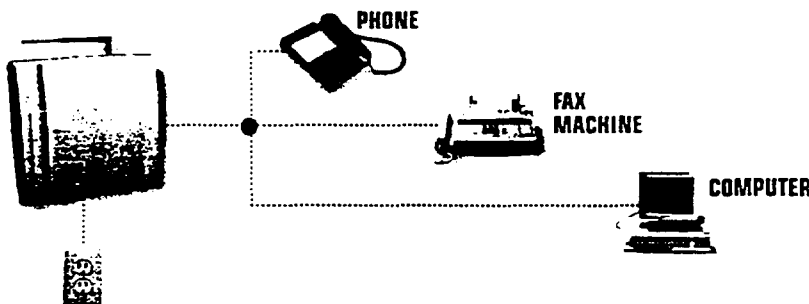
Enclosure:

Flame Retardant ABS Plastic Cover and Base

Connectors:

- Interface RJ-11C Jack
- TNC Antenna Connector
- DC Power Input Jack
- External Programming Jack
- IEC 320/C8 AC Connector

Easy Installation



APPENDIX C

**AFFIDAVIT OF GENE DEJORDY
IN SUPPORT OF
WESTERN WIRELESS CORPORATION PETITION FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

Gene DeJordy, being first duly sworn upon oath, deposes and states as follows:

1. I am the Executive Director of Regulatory Affairs for Western Wireless Corporation ("Western Wireless"). I am responsible for all federal and state regulatory and legislative matters for Western Wireless and its subsidiaries. Prior to working for Western Wireless, I was an attorney with the Washington, D.C. law firm of Swidler and Berlin, Chartered. I have regularly practiced in areas focusing on federal and state regulatory issues affecting competitive local service providers, including wireless carriers. I have also worked as an attorney with the Federal Communications Commission ("FCC") in the Common Carrier Bureau. Prior to embarking on a carrier as an attorney, I worked as a system engineer involved with designing and implementing communications systems. I hold a Juris Doctorate degree from Catholic University of America, a Master of Science degree in Telecommunications Policy from George Washington University, and Bachelor of Science degree from the University of Maryland. I am currently serving as Western Wireless' representative on the Rural Task Force established by the Federal-State Universal Service

Joint Board to address universal service issues in territories served by rural telephone companies.

2. This Affidavit is submitted in support of Western Wireless' Petition for Designation as an Eligible Telecommunications Carrier ("ETC").

3. Western Wireless currently provides cellular service in Wyoming, including in all areas comprising its requested designated service area.

4. As a carrier not subject to state commission jurisdiction in Wyoming, Western Wireless is seeking designation as an ETC under Section 214(e)(6).

5. Western Wireless meets the criteria for ETC designation as explained herein.

6. Western Wireless is a "common carrier" for purposes of obtaining ETC designation under 47 U.S.C. § 214(e)(1). A "common carrier" is generally defined in 47 U.S.C. § 153(10) as a person engaged as a common carrier on a for-hire basis in interstate communications utilizing either wire or radio technology. Section 20.9(a)(7) of the FCC's rules specifically provides that cellular service, such as that provided by Western Wireless, is a common carrier service. *See* 47 C.F.R. § 20.9(a)(7).

7. Western Wireless currently offers and is able to provide within its designated service areas the services and functionalities identified by the FCC in 47 C.F.R. § 54.101(a). Each of these services and functionalities is discussed more fully below.

a. Voice-grade access to the public switched telephone network. The FCC concluded that voice-grade access means the ability to make and receive phone calls,

within a bandwidth of approximately 2700 Hertz within the 300 to 3000 Hertz frequency range. *See, Universal Service Fourth Order on Reconsideration*, FCC 97-420 (Dec. 30, 1997). Western Wireless meets this requirement by providing voice grade access to the public switched telephone network through its interconnection arrangements with various local telephone companies, including Southwestern Bell. All customers of Western Wireless are able to make and receive calls on the public switched telephone network within the specified bandwidth.

b. Local usage. Beyond providing access to the public switched network, an ETC must include local usage as part of a universal service offering. To date, the FCC has not quantified any minimum amount of local usage required to be included in a universal service offering, but has initiated a separate proceeding to address this issue. *See, In the Matter of Federal - State Board on Universal Service, CC Docket 96-45, Report and Order*, FCC 97-157 (May 8, 1997), ¶ 67 ("*Universal Service Order*"); *Universal Service Further Notice of Proposed Rulemaking*, FCC 98-278 (October 26, 1998) ("*NPRM*"). Any minimum local usage requirement established by the FCC as a result of the *NPRM* will be applicable to all designated ETCs, not simply a wireless service provider. Western Wireless will comply with any minimum local usage requirements adopted by the FCC. Western Wireless will offer unlimited local usage as part of its universal service offerings, and therefore clearly meets the local usage requirement.

c. Dual tone multi-frequency ("DTMF") signaling or its functional equivalent. DTMF is a method of signaling that facilitates the transportation of call set-up and call detail information. Consistent with the principles of competitive and technological neutrality, the FCC permits carriers to provide signaling that is functionally equivalent to DTMF in satisfaction of this service requirement. 47 C.F.R. § 54.101(a)(3). Western Wireless currently uses out-of-band digital signaling and in-band multi-frequency ("MF") signaling that is functionally equivalent to DTMF signaling. Western Wireless therefore meets the requirement to provide DTMF signaling or its functional equivalent.

d. Single-party service or its functional equivalent. "Single-party service" means that only one party will be served by a subscriber loop or access line in contrast to a multi-party line. *Universal Service Order*, ¶ 62. The FCC concluded that a wireless provider offers the equivalent of single-party service when it offers a dedicated message path for the length of a user's particular transmission. *Universal Service Order*, ¶ 62. Western Wireless meets the requirement of single-party service by providing a dedicated message path for the length of all customer calls.

e. Access to emergency services. The ability to reach a public emergency service provider through dialing 911 is a required universal service offering. Enhanced 911 or E911, which includes the capability of providing both automatic numbering information ("ANI") and automatic location information ("ALI"), is only

required if a public emergency service provider makes arrangements with the local provider for the delivery of such information. *Universal Service Order*, ¶¶ 72-73.

A wireless carrier such as Western Wireless is not required to provide E911 services until a local emergency service provider has made arrangements for the delivery of ALI and ANI from carriers and has established a cost recovery mechanism. *Universal Service Order*, ¶ 73. Western Wireless currently provides all of its customers with access to emergency services by dialing 911 in satisfaction of this requirement. To date, no public emergency service provider in Montana has made arrangements for the delivery of ANI or ALI from Western Wireless.

f. Access to operator services. Access to operator services is defined as any automatic or live assistance provided to a consumer to arrange for the billing or completion, or both, of a telephone call. *Universal Service Order*, ¶ 75. Western Wireless meets this requirement by providing all of its customers with access to operator services.

g. Access to interexchange service. A universal service provider must offer consumers access to interexchange service to make and receive toll or interexchange calls. Western Wireless presently meets this requirement by providing all of its customers with the ability to make and receive interexchange or toll calls through direct interconnection arrangements it has with several IXC's. Additionally,

customers are able to reach their IXC of choice by dialing the appropriate access code.


h. Access to directory assistance. The ability to place a call to directory assistance is a required service offering. White pages directories and listings are not required service offerings. *Universal Service Order*, ¶¶ 80-81. Western Wireless meets this requirement by providing all of its customers with access to directory assistance.

i. Toll limitation for qualifying low-income consumers. An ETC must offer either "toll control" or "toll blocking" services to qualifying Lifeline customers at no charge. The FCC no longer requires an ETC to provide both toll control and toll blocking as part of the toll limitation services required under 47 C.F.R. § 54.101(a)(9). *See, Universal Service Fourth Order on Reconsideration*, FCC 97-420 (Dec. 30, 1997). Toll blocking allows customers to block the completion of outgoing toll calls. *Universal Service Order*, ¶ 82. Once designated an ETC, Western Wireless will participate in Lifeline as required, and will provide toll blocking in satisfaction of the FCC's toll limitation requirement. Today, Western Wireless provides toll blocking services for international calls and customer selected toll calls, and will provide the same service to its Lifeline customers, at no charge, as part of its universal service offerings.

8. Western Wireless will make available a “universal service” offering that includes the above-referenced services and will advertise the availability of its universal service offering and the applicable charges using media of general distribution, in accordance with the requirements of 47 U.S.C. § 214(e)(1) and 47 C.F.R. § 54.201(d)(2). To date, the FCC has not adopted any particular advertising standards or requirements. *Universal Service Order* ¶ 148. Western Wireless currently advertises its wireless services through several different media, including newspaper, television, radio and billboard advertising. Western Wireless’ current advertising efforts include publications targeted to the general residential market. Western Wireless will use the same media of general distribution that it currently employs throughout the areas served to advertise its universal service offerings and charges. Western Wireless will also comply with any advertising requirements adopted by the Commission in the future and required of all designated ETCs.


Western Wireless is seeking designation as an ETC in the wire centers served by U S West Communications, Inc. and United Telephone Company, non-rural telephone companies, and the study areas of the rural telephone companies that fall completely within its cellular service area. Western Wireless will make available its universal service offering, including all of the services and functionalities set forth in FCC Rule 54.101, throughout its designated service area.

The foregoing is true to the best of my knowledge, information and belief.



Gene DeJordy

Subscribed and sworn to before me
me this 27th day of August, 1999.



Notary Public



APPENDIX D

Rural Telephone Company Study Areas and Non-Rural ILEC Exchanges Served By Western Wireless

LOCALITY	COMPANY NAME	AREA SERVED BY WESTERN WIRELESS
CHUGWATER	CHUGWATER TEL CO	YES
EDGEMONT	GOLDEN WEST TEL COOP INC	YES
ALZADA, MT	RANGE TEL COOP INC -WY	YES
ARVADA	RANGE TEL COOP INC -WY	YES
CLEARMONT	RANGE TEL COOP INC -WY	YES
SOUTHEAST	RANGE TEL COOP INC -WY	YES
SUNDANCE	RANGE TEL COOP INC -WY	YES
GUERNSEY	UNITED TEL CO OF THE WEST -WY	YES
LINGLE	UNITED TEL CO OF THE WEST -WY	YES
BUFFALO	US WEST COMMUNICATIONS - MOUNTAIN BELL	YES
CHEYENNE	US WEST COMMUNICATIONS - MOUNTAIN BELL	YES
CASPER	US WEST COMMUNICATIONS - MOUNTAIN BELL	YES
DOUGLAS	US WEST COMMUNICATIONS - MOUNTAIN BELL	YES
SHERIDAN	US WEST COMMUNICATIONS - MOUNTAIN BELL	YES
GLENDO	US WEST COMMUNICATIONS - MOUNTAIN BELL	YES
GLENROCK	US WEST COMMUNICATIONS - MOUNTAIN BELL	YES
GILLETTE	US WEST COMMUNICATIONS - MOUNTAIN BELL	YES
LARAMIE	US WEST COMMUNICATIONS - MOUNTAIN BELL	YES
LUSK	US WEST COMMUNICATIONS - MOUNTAIN BELL	YES
SHERIDAN	US WEST COMMUNICATIONS - MOUNTAIN BELL	YES
WHEATLAND	US WEST COMMUNICATIONS - MOUNTAIN BELL	YES
WRIGHT	US WEST COMMUNICATIONS - MOUNTAIN BELL	YES

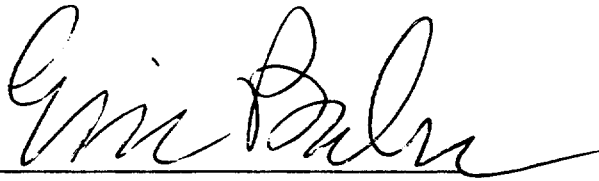
APPENDIX E

CERTIFICATION

I, Eric Baker, Vice President of WWC Holding Co., Inc. say under penalty of perjury, that the following is true and correct:

1. I have read the attached "Petition for ETC Designation" and all of the information contained therein is true and correct to the best of my knowledge, information and belief.

2. To the best of my knowledge, the applicant for the "Petition for ETC Designation," including all officers, directors, or persons holding 5% or more of the outstanding stock or shares (voting and/or non-voting) of the applicant as specified by Section 1.2002(b) of the Commission's rules and listed on the Attachment hereto, are not subject to a denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.



Eric Baker
Vice President
WWC Holding Co., Inc.

August 27, 1999
Date

Attachment

The following are all of the officers, directors, or persons holding 5% or more of the outstanding stock or shares (voting and/or non-voting) of Western Wireless Corporation and WWC Holding Co., Inc.:

WESTERN WIRELESS CORPORATION

Hellman & Friedman Capital Partners II, L.P., Shareholder
GS Capital Partners, L.P., Shareholder
John W. Stanton and Theresa E. Gillespie., Shareholder
Hutchinson Telecommunications Holdings (USA) Limited, Shareholder
John L. Bunce, Jr., Director
Mitchell Cohen, Director
Daniel J. Evans, Director
Terence O'Toole, Director
Jonathan M. Nelson, Director
John W. Stanton, Director, Chairman and Chief Executive Officer
Mikal J. Thomsen, President and Chief Operating Officer
Donald Guthrie, Vice Chairman
Theresa E. Gillespie, Executive Vice President
Alan R. Bender, Executive Vice President, Corporate Secretary, and
General Counsel
Bradley J. Horwitz, Vice President - International

WWC HOLDING CO., INC.

Western Wireless Corporation, Shareholder
Alan R. Bender, Director, Executive Vice President, Corporate Secretary, and
General Counsel
Theresa E. Gillespie, Director, Executive Vice President
John W. Stanton, Chief Executive Officer
Mikal J. Thomsen, President and Chief Operating Officer
Donald Guthrie, Vice Chairman
Eric Baker, Vice President, Assistant Corporate Secretary

SERVICE LIST

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Chairman
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Washington, D.C. 20554

The Honorable Susan Ness
Commissioner
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